

Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term "compensation and hire" shall not include vehicles transporting goods owned by the owner of such vehicle, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached, with committee amendments, be passed in lieu thereof, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 81 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 31 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 188 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

TWENTY-FIFTH DAY.

(Friday, February 19, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called, and the following Senators were present:

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

The following Senators were absent and excused:

Brownlee. Davis.

A quorum was announced present.

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Neal.

Leaves of Absence Granted.

Senator Davis was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

Senator Brownlee was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

Petition.

Senator Sulak submitted a petition of certain citizens of Collin County endorsing S. J. R. No. 5.

The petition was read and was referred by the President Pro Tempore to the Committee on Constitutional Amendments.

Reports of Standing Committees.

Reports on Senate Bills Nos. 58, 229, 230, 83, 10, 197 and 301 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time,

and referred by the President Pro Tempore to appropriate committees as indicated:

By Senator Shivers:

S. B. No. 295, A bill to be entitled "An Act authorizing judges of district and county courts to grant a severance in suits where two or more causes of action are combined in one suit, and authorizing such courts, in cases where the suit is prosecuted to final judgment, to enter separate final judgments so as to permit of appeal from one without affecting the status of the other or others."

Referred to Committee on Civil Jurisprudence.

By Senator Westerfeld:

S. B. No. 296, A bill to be entitled "An Act amending Subsection 8 of Section 4 of Article III of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, so as to provide that the tax levied herein shall not apply to coin-operated machines of whatever kind or character that has been judicially declared illegal and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Woodruff:

S. B. No. 297, A bill to be entitled "An Act amending Subsection (a) of Section 11 of H. B. No. 8, of the Third Called Session of the Forty-fourth Legislature enacted in 1935, providing certain limitations upon the allocation of funds for old age assistance, prescribing who shall receive such old age assistance, the amounts to be allocated to said applicants therefor, and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Lemens, Aikin and Davis:

S. B. No. 298, A bill to be entitled "An Act to make the laws of Texas relating to the National Guard compatible with the Constitution and Laws of the United States as required by Section 46 of Article 16 of the Constitution of Texas, by amending the following Articles of the Civil Statutes of Texas as revised in the year 1925: Article 5780 so as to permit maintenance of all

the troops allocated to Texas under Federal Laws, Article 5839 so as to make nomenclature conform to Federal Laws, and Article 5858 so as to make offenses condemned by military law and courts-martial procedure conform to that of Federal law and regulations; to repeal any and all laws in conflict herewith."

Referred to Committee on Military Affairs.

By Senator Lemens (by request):

S. B. No. 299, A bill to be entitled "An Act to amend Subsection (a) of Section 6, Sections 9, 13, 15, and Subsections (d), (f), (q), and (t) of Section 19 of Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature, pages 1762, et seq., and codified as Article 3912e of the Revised Civil Statutes, such amendatory Act being an Act relating to and fixing the compensation of district, certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants, clerks and employees in district, county and precinct offices; limiting the payment of fees, commissions and costs to be paid by the State to certain cases; requiring the keeping of books and records by such officers and the making of reports to designated authorities; providing for the contribution by the State to the "Officers' Salary Fund" of certain counties of a certain calculable amount per annum in lieu of the payment of felony fees formerly paid by the State, and for contribution by the counties to said fund under certain contingencies; prescribing rules and regulations for the collecting, depositing, keeping and disbursing of said funds and the purposes for which same may be disbursed; providing for the disposition of fees and commissions collected by officers; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Spears:

S. B. No. 300, A bill to be entitled "An Act to amend Chapter 74 of the General Laws enacted by the Sec-

ond Called Session of the Forty-first Legislature authorizing the commissioners' courts of the several counties in Texas to issue refunding bonds for the purpose of refunding road bonds that have been or may hereafter be issued and authorizing the said commissioners' courts to issue refunding bonds for the purpose of refunding any outstanding matured interest on any such road bonds, that are issued by authority of statutes enacted pursuant to Section 52 of Article 3 of the Constitution of Texas, for and on behalf of political subdivisions, defined districts and consolidated districts in such counties, and authorizing the commissioners' courts to pass all appropriate orders to carry out such refunding without the necessity of any notice or right to referendum vote; and to levy ad valorem taxes in payment thereof and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Woodruff (by request):

S. B. No. 301, A bill to be entitled "An Act to amend Article 6686, Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Regular Session of the Fortieth Legislature, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Roberts:

S. B. No. 302, A bill to be entitled "An Act creating a Special Road Law for San Patricio County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund prior to May 21, 1931; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of road and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions inci-

dent and relating to the subject and purpose of this Act, repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 303, A bill to be entitled "An Act creating a Special Law for San Saba County, Texas, providing that said county may fund certain warrants outstanding against its Road and Bridge Fund as of February 15, 1937 by the issuance of funding bonds, and setting forth the method of issuing same; validating all Acts of the commissioners' court and of the county officials of said county in authorizing, issuing and delivering said warrants; providing that the General Laws pertaining to road and bridges shall be applicable to said county, when not in conflict herewith; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senators Moore, Rawlings, and Spears:

S. B. No. 304, A bill to be entitled "An Act to provide for the care, safe-keeping, and custody of securities in which the sinking funds for the redemption and payment of outstanding bonds of any county of more than 190,000 population, or a navigation district in counties of more than 190,000 population, may have been invested by the legally authorized governing body thereof; providing for the audit thereof, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Redditt:

S. B. No. 305, A bill to be entitled "An Act appropriating the fund provided for the use and benefit of the Comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of H. B. No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and

benefit of the Comptroller in administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

Referred to Committee on Finance.

Senate Concurrent Resolution No. 33.

Senator Sulak offered the following resolution:

Whereas, The Board of Regents of the University of Texas, has, according to reports, entered into a contract with one Dana X. Bible for a period of ten years at a salary of \$15,000.00 a year, as instructor of athletics, and

Whereas, Such salary is entirely out of line with salaries paid other instructors at the University of Texas, and is nearly double the sum paid to the President of said University, and

Whereas, The term of said contract extend far beyond the terms of office of said Board of Regents and, therefore, is contrary with sound public policy, and contrary to law; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the Board of Regents of the University of Texas be and are hereby requested to rescind their recent action and that the said Board of Regents secure the services of a coach and athletic instructor the salary to be commensurate with the service rendered and not be in excess of salaries paid instructors in other branches of the University; and not be for a greater length of time than are the terms of offices of the Board of Regents of the University of Texas; be it further

Resolved, That a copy of this resolution be sent to the President of the University and to the Chairman of the Board of Regents.

The resolution was read and was referred by the President Pro Tempore to the Committee on State Affairs.

Senate Bill No. 166.

Senator Burns moved that the Minority Committee report on S. B.

No. 166 be substituted for the Majority Committee report on the bill.

Senator Rawlings moved to table the motion of Senator Burns.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14.

Aikin.	Redditt.
Holbrook.	Roberts.
Isbell.	Small.
Moore.	Stone.
Neal.	Van Zandt.
Pace.	Weinert.
Rawlings.	Winfield.

Nays—14.

Beck.	Newton.
Burns.	Oneal.
Collie.	Shivers.
Cotten.	Spears.
Head.	Sulak.
Hill.	Westerfeld.
Lemens.	Woodruff.

Absent.

Nelson.

Absent—Excused.

Brownlee. Davis.

Question recurring on the motion of Senator Burns, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14.

Beck.	Newton.
Burns.	Oneal.
Collie.	Shivers.
Cotten.	Spears.
Head.	Sulak.
Hill.	Westerfeld.
Lemens.	Woodruff.

Nays—14.

Aikin.	Redditt.
Holbrook.	Roberts.
Isbell.	Small.
Moore.	Stone.
Neal.	Van Zandt.
Pace.	Weinert.
Rawlings.	Winfield.

Absent.

Nelson.

Absent—Excused.

Brownlee. Davis.

House Bill No. 9 on Passage to Third Reading.

(Special Order.)

The President Pro Tempore laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 9, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, relating to proration of oil production, and declaring an emergency."

Senator Hill offered the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting the following:

Section 1. Section 20 of Chapter 76, Acts of the Forty-fourth Legislature, Regular Session of 1935, is hereby amended so that same shall hereafter read as follows:

"Sec. 20. The provisions of this Act shall end and terminate September 1, 1940."

Sec. 2. Section 10, Chapter 246, page 624, Acts Forty-fourth Legislature, Article 6066a, Subsection (b) and (c) is hereby amended so that same shall hereafter read as follows:

"(b) When the Attorney General is advised by the Railroad Commission of Texas of the presence and existence of unlawful oil or unlawful products and upon the request of the Railroad Commission of Texas it shall be the duty of the Attorney General to institute a suit in rem against such unlawful oil or unlawful products and against all persons owning or claiming possession thereof, such suit to be brought in the name of the State of Texas in a court of competent jurisdiction in the county in which such oil or products is located. If it shall appear to the court from an examination of the petition or after hearing evidence thereon at a preliminary hearing that unlawful oil or unlawful products mentioned in the petition are in danger of being removed, wasted, lost or destroyed, the court is authorized, in term time or in vacation, to issue restraining orders or injunctive relief, either manda-

tory or prohibitive, or to appoint a receiver to take charge of the oil or products in question, or to direct the sheriff of the county in which the unlawful oil or unlawful products are located to seize and impound the same until further orders of the court.

"(c) Notice of pendency of such suit shall be served in the manner prescribed by law; either party to said suit may demand a trial by jury on any issue of fact raised by the pleadings and the case shall proceed to trial as other civil cases. If upon the trial of such suit the oil or products in controversy is found to be unlawful oil or unlawful products, then the court trying said cause shall render judgment forfeiting the same to the State of Texas and authorizing the issuance of an order of sale directed to the sheriff or any constable of the county where the oil or products are located commanding such officer to seize and sell such property in the same manner as personal property is sold under execution. The court may order the oil or products sold in whole or in part as it may deem proper and the sale shall be conducted at the courthouse door of the county where the oil or products are located and shall conform in all respects to the sale of personal property as aforesaid. The money realized from the sale of any such unlawful oil or unlawful products shall be applied first to the payment of costs of suit and expenses incident to the sale of such oil or products after such expenses have been approved and allowed by the court trying the case, and all funds then remaining shall be remitted forthwith to the State Treasurer and shall be by the Treasurer placed to the credit of the General Revenue Fund of the State of Texas, provided, however that in no case shall a receiver appointed by the court to have custody and control of the unlawful oil or unlawful products be allowed in excess of ten per cent (10%) of the amount received for said oil or products at said sale. All public or private sales of unlawful oil or unlawful products by a receiver shall be null and void and pass no title to the purchaser. The provisions of this Act shall be

strictly construed by the courts. No sale of oil or products under the provisions of this Act shall be made or confirmed for a price of less than sixty-six and two-thirds (66 2/3%) per cent of the current market price prevailing at the place of sale at the time of sale."

Sec. 3. Section 13, Article 6049e, Revised Civil Statutes of 1925, as amended, is hereby amended so that same shall hereafter read as follows:

"Sec. 13. Whenever it shall appear that any person is violating or threatening to violate any provision of this Act, or of Title 102 of the Revised Civil Statutes of Texas, 1925, as amended, or of any rule, regulation or order of the Commission promulgated thereunder, the Commission, through the Attorney General, shall bring suit in the name of the State of Texas against such person in any court of competent jurisdiction in the county of residence of the defendant, or, if there be more than one defendant, in the county of residence of any of them, or in the county in which such violation is alleged to have occurred, to restrain such person from violating such Statute or such rule, regulation, or order of the Commission, or any part thereof; and in such suit the Commission in the name of the State of Texas may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and temporary injunctions, as the facts may warrant.

"The violation by any person of any injunction granted under the provisions of this Section shall be sufficient grounds for the appointment by the court, either upon its own motion or that of the Commission in the name of the State of Texas, of a receiver to take charge of such properties of such person, and to exercise such powers as in the judgment of the court shall be necessary in order to bring about compliance with such injunction, provided, however, that no such receiver shall be appointed except after notice and hearing. The power to appoint a receiver as herein provided shall be in addition to and cumulative of the power to punish for contempt."

Sec. 4. The fact that by reason

of the provisions of Section 20 of Chapter 76, Acts of the Forty-fourth Legislature, Regular Session of 1935, the general and most important provisions of the oil and gas conservation laws of this State as contained in such Chapter are made to expire on September 1, 1937, and that accordingly the State will thereafter have no adequate laws for the conservation of these natural resources, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Also amend the bill by changing the caption to read as follows:

H. B. No. 9, A bill to be entitled An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935; Chapter 246, page 624, Acts of the Forty-fourth Legislature, being Section 10 of Article 6066a, Subsection (b) and (c); amending Section 13, Article 6049e, Revised Civil Statutes of 1925, as amended; and declaring an emergency.

Senator Collie moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Collie.	Redditt.
Isbell.	Roberts.
Moore.	Small.
Neal.	Stone.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Winfield.
Rawlings.	

Nays—12.

Alkin.	Holbrook.
Beck.	Pace.
Burns.	Spears.
Cotten.	Sulak.
Head.	Westerfeld.
Hill.	Woodruff.

Paired.

Senator Lemens (present), who would vote nay; with Senator

Brownlee (absent), who would vote yea.

Senator Shivers (present), who would vote nay; with Senator Davis (absent), who would vote yea.

H. B. No. 9 was then passed to third reading.

House Bill No. 9 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Winfield.
Newton.	

Nays—2.

Westerfeld.	Woodruff.
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Absent—Excused.

Brownlee.	Davis.
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The President Pro Tempore then laid H. B. No. 9 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Winfield.

Nays—3.

Burns.	Woodruff.
Westerfeld.	

Absent—Excused.

Brownlee.	Davis.
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Senate Bill No. 214 on Second Reading.

(Special Order.)

The President Pro Tempore laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 214, A bill to be entitled "An Act prohibiting the sale of goods, wares and merchandise manufactured, produced or mined, wholly or in part in a mill, cannery, workshop, factory or manufacturing establishment in which within thirty (30) days prior to the production of such goods, wares or merchandise, a person under sixteen years of age was permitted to be employed, or a person between the ages of sixteen years and eighteen years was so permitted to work more than eight hours a day or more than six days in any week, or to work after the hour of seven o'clock post-meridian or before the hour of seven o'clock ante-meridian; or, if it is the product of a mine in which a person under eighteen years of age has been employed within thirty days prior to the production of such goods, wares or merchandise; providing a violation of such provision shall be a misdemeanor, and fixing the punishment of such violation; declaring such goods, wares and merchandise offered for sale in violation of this Act to be a nuisance and contraband, and providing for the seizure of same and sale at public auction, and providing for the disposition of the proceeds of such sale; and declaring an emergency."

The bill was read second time.

Senator Oneal offered the following amendments to the bill:

(1)

Amend S. B. No. 214 by adding immediately after Section 3 a Section to be known as Section 4, to read as follows:

"Sec. 4. If any phrase, clause, sentence or Section of this Act is

held unconstitutional or invalid, the same shall not operate to defeat the whole Act, but all other parts shall stand and remain in full force and effect."

And renumber the following Section "No. 5."

(2)

Amend S. B. No. 214 by amending the caption to conform to the bill as amended.

The amendments were adopted severally.

Senator Cotten offered the following amendment to the bill:

Amend S. B. No. 214, Section Three (3) by striking out all of said Section after the word "seized" in line fifty-three (53) and add in lieu thereof the following: "to be delivered to the Board of Control of the State of Texas, to be used by and delivered to the Eleemosynary Institutions of the State of Texas."

The amendment was adopted.

Record of Vote.

Senator Shivers asked to be recorded as having voted "nay" on the amendment of Senator Cotten.

Pending further consideration of the bill, Senator Redditt occupied the Chair temporarily.

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 214, line 49, between the words "merchandise" and "offered" by adding the word "knowingly."

The amendment was adopted.

S. B. No. 214 was then passed to engrossment.

Senate Bill No. 214 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 214 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Burns.
Beck.	Collie.

Cotten.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Spears.
Moore.	Stone.
Neal.	Sulak.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.

Absent—Excused.

Brownlee.	Hill.
Davis.	

The President Pro Tempore then laid S. B. No. 214 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Nays—2.

Lemens.	Westerfeld.
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Absent—Excused.

Brownlee.	Davis.
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Senate Bill No. 260 on Second Reading.

(Special Order.)

The President Pro Tempore laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 260, A bill to be entitled "An Act repealing H. B. No. 170, Chapter 91 of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, 1929; and providing for the creation of a Legislative Audit Committee

and fixing its duties, and providing for the appointment of a State Auditor by said Legislative Audit Committee; prescribing the qualifications, duties and authority of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; and prescribing penalties; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 260 by amending Section 3, page 2, line 11, by striking out the words and figures 1937 and substitute in lieu thereof 1939.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 260, Section 12, by adding a new Section to be numbered 12a: Whoever is appointed shall be confirmed by 2/3 of the Senate present.

Senator Rawlings moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Head.	Rawlings.
Isbell.	Small.
Lemens.	Stone.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Winfield.

Nays—14.

Aikin.	Newton.
Beck.	Roberts.
Burns.	Shivers.
Collie.	Spears.
Cotten.	Sulak.
Holbrook.	Weinert.
Nelson.	Woodruff.

Present—Not Voting.

Pace.

Absent.

Redditt.

Absent—Excused.

Brownlee.	Hill.
Davis.	

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend the caption to conform with change made in body of the bill.

The amendment was adopted.

S. B. No. 260 was then passed to engrossment.

Senate Bill No. 260 on Third Reading.

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Absent—Excused.

Brownlee.	Hill.
Davis.	

The President Pro Tempore then laid S. B. No. 260 before the Senate, on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Head.
Beck.	Holbrook.
Burns.	Isbell.
Collie.	Lemens.
Cotten.	Moore.

Neal.	Spears.
Nelson.	Stone.
Newton.	Sulak.
Oneal.	Van Zandt.
Rawlings.	Weinert.
Redditt.	Westerfeld.
Roberts.	Winfield.
Small.	Woodruff.

Nays—1.

Shivers.

Present—Not Voting.

Pace.

Absent—Excused.

Brownlee.	Hill.
Davis.	

Senate Bill No. 301 on Second Reading.

Senator Woodruff, by unanimous consent, moved that the rule limiting consideration and passage of bills during the first 60 days of the Regular Session of the Legislature be suspended, to permit consideration and passage of S. B. No. 301 at this time.

The motion prevailed by an affirmative vote of four-fifths of the members of the Senate.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended, and that S. B. No. 301 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Absent—Excused.

Brownlee.	Hill.
Davis.	

On motion of Senator Woodruff, by unanimous consent, the rules requiring printed copies of a bill to be on the desk of each Senator 24 hours before consideration of the bill by the Senate and requiring a committee report to lie over one day before consideration of the bill reported were suspended severally to permit consideration by the Senate of S. B. No. 301 at this time.

The President Pro Tempore then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 301, A bill to be entitled "An Act to amend Article 6686, Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Regular Session of the Fortieth Legislature, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 301 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 301 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Absent—Excused.

Brownlee.	Hill.
Davis.	

The President Pro Tempore laid S. B. No. 301 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Pace.
Beck.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Nays—2.

Burns.	Shivers.
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Absent—Excused.

Brownlee.	Hill.
Davis.	

Senate Bill No. 285 Re-referred.

On motion of Senator Lemens, by unanimous consent, S. B. No. 285 was re-referred from the Committee on State Affairs to the Committee on Agriculture.

Senate Bill No. 104.

On motion of Senator Spears, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 104, A bill to be entitled "An Act to amend Section 9 of Chapter 22 of the Acts of the Fortieth Legislature, Regular Session, H. B. No. 80, creating the County Courts at Law of Bexar County, Texas, by providing, by this Act, that the judges of said courts may exchange benches and sit and act for and with each other in any case, matter or proceeding now or hereafter pending in said courts; also an Act to amend the last amendment in Section Eleven (11) of the said Acts of the Fortieth Legislature, said last amendment of said Section of said Acts having been passed by the Forty-fourth Legislature, Regular Session, being Chapter 309, H. B. No. 344, by providing, by this Act, that neither of the judges of the two County Courts at Law of Bexar County, Texas, shall be required to give any bond but that they shall

take the oath of office prescribed by the Constitution of Texas, etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 104 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Absent—Excused.

Brownlee.	Hill.
Davis.	

The President Pro Tempore laid S. B. No. 104 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Absent—Excused.

Brownlee. Hill.
Davis.

Senate Bill No. 84 Set as Special Order.

On motion of Senator Shivers, which prevailed by an affirmative vote of four-fifths of the members of the Senate, the rule limiting consideration and passage of bills during the earlier days of the Regular Session of the Legislature was suspended to permit consideration and passage by the Senate of S. B. No. 84 during the first 60 days of the present session.

On motion of Senator Shivers and by unanimous consent, S. B. No. 84, relating to purchase of life insurance by guardians, was set as a special order for next Tuesday, February 23, 1937, immediately after completion of the morning call.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 32, Expressing appreciation to the citizens of Lubbock and officials and students of Texas Technological College for the many courtesies and acts of kindness shown the members of the Texas Legislature recently while guests in Lubbock and West Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill and Resolution Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill and resolution:

H. B. No. 9, "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, and declaring an emergency."

S. C. R. No. 32, Thanking the citizens of Lubbock, Texas.

Senate Concurrent Resolution No. 9.

The President Pro Tempore laid before the Senate for consideration at this time:

S. C. R. No. 9, Granting Master Petroleum Co., et al, permission to sue the State.

The resolution was adopted.

Recess.

On motion of Senator Van Zandt, the Senate at 12:55 o'clock p. m., took recess to 7:55 o'clock p. m. today.

After Recess.

The Senate met at 7:55 o'clock p. m., and was called to order by Senator Rawlings, who announced that the hour fixed by joint action of the two Houses to meet in joint session to hear an address by Hon. Harold L. Ickes, Secretary of the United States Department of the Interior, had arrived, and requested the Senators to repair in a body to the House of Representatives.

Joint Session.

The Senators were announced at the bar of the House of Representatives and were admitted and escorted to seats prepared for them along the aisle.

Hon. Will D. Pace, President Pro Tempore of the Senate, by invitation, occupied a seat on the Speaker's stand.

Hon. Harold L. Ickes and Governor James V. Allred and members of the party accompanying them were announced at the bar of the House, were duly admitted, and were escorted by Senators Brownlee, Roberts, Collie and Oneal on the part of the Senate, and Messrs. Mauritz, Thornberry, London, Keith, Patterson and Mills, on the part of the House, to the Speaker's stand, where they occupied seats already prepared for them.

The joint session was called to order by the President Pro Tempore.

Hon. Herman Jones, occupying the Speaker's Chair, presented Governor James V. Allred, who introduced Hon. Harold L. Ickes, Secretary of

the United States Department of the Interior, to the joint session and the assemblage.

Secretary Ickes then addressed the joint session and the assemblage.

At the conclusion of the address, the Senators repaired to the Senate Chamber, where the Senate was called to order at 8:45 o'clock p. m. by the President Pro Tempore.

Adjournment.

Senator Moore moved that the Senate adjourn until 10 o'clock a. m. next Tuesday, February 23, 1937.

Senator Van Zandt moved that the Senate adjourn until 10 o'clock a. m. next Monday, February 22, 1937.

The motion of Senator Moore prevailed; and the Senate, accordingly, at 8:50 o'clock p. m., adjourned until 10 o'clock a. m. Tuesday, February 23, 1937.

Record of Vote.

Senator Oneal asked to be recorded as having voted "nay" on the motion of Senator Moore.

APPENDIX.

Reports of Standing Committees.

Committee Room,
Austin, Texas, Feb. 18, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 301, A bill to be entitled "An Act to amend Article 6686, Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Regular Session of the Fortieth Legislature, and declaring an emergency."

Have had the same under consideration, and beg leave to report same with the recommendation that it be not printed and be passed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, Lieutenant-Governor of Texas.

Mr. President: We, your Committee on Public Health, to whom

was referred S. B. No. 197, have had same under consideration and beg leave to report back to the Senate that it do not pass, but that substitute bill for same hereto attached do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, Lieutenant-Governor of Texas.

Mr. President: We, your Committee on Public Health, to whom was referred S. B. No. 10, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, Lieutenant-Governor of Texas.

Mr. President: We, your Committee on Public Health, to whom was referred S. B. No. 83, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, Lieutenant-Governor of Texas.

Mr. President: We, your Committee on Public Health, to whom was referred S. B. No. 230, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, Lieutenant-Governor of Texas.

Mr. President: We, your Committee on Public Health, to whom was referred S. B. No. 229, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, Lieutenant-Governor of Texas.

Mr. President: We, your Committee on Public Health, to whom was referred S. B. No. 58, have had

same under consideration and beg leave to report back to the Senate that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 32 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

TWENTY-SIXTH DAY.

(Tuesday, February 23, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senator was absent and excused:

Lemens.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, February 19, 1937, was dispensed with, on motion of Senator Aikin.

Leave of Absence Granted.

Senator Lemens was granted leave of absence for today, on account of illness, on motion of Senator Aikin.

Reports of Standing Committees.

Reports on Senate Bills Nos. 186, 332, on House Bill No. 246, and on

S. J. R. No. 13, were submitted at this time by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills were introduced, read first time and referred to appropriate committees as indicated:

By Senator Holbrook:

S. B. No. 306, A bill to be entitled "An Act supplemental to and amending Article 6341, Revised Civil Statutes of Texas, 1925, relating to the powers of railroad corporations, enlarging their charter powers, and empowering them to transport persons, property, goods, ware, merchandise, mail, and any valuable thing by highway, air, pipe line, and water, repealing all laws or parts of laws in conflict, providing if any part is declared unconstitutional, such decision shall not affect the remainder of the Act, and creating an emergency."

Referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 307, A bill to be entitled "An Act providing for the use of State convict labor by the Board of Directors of the Agricultural and Mechanical College of Texas in connection with the operation of Texas Agricultural Experiment Stations; providing that all times while so engaged said convicts shall be under the control of the State Prison Board, and that they shall be considered as serving upon their terms in the penitentiary, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Senator Winfield:

S. B. No. 308, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and creating a board for the acquisition of land within said area, and defining its powers and duties, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes, and providing a consideration therefor, and